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10/601,078	06/20/2003	Kenneth Roger Jones	1033-SS00380	7047
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EXAMINER				
SOL, ANTHONY M				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/601,078

Applicant(s)

JONES ET AL.

Examiner

ANTHONY SOL

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2465

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 03 September 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,6-9 and 11-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,6-9 and 11-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-06)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

- A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 9/3/2010 has been entered.
- Claims 1, 9, and 16 have been amended.
- Claims 1, 2, 6-9, and 11-16 are pending.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 6-9, 11, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Pub. No. US 2003/0231206 A1 ("Armstrong").

Regarding claims 1, 9, and 16,

AAPA discloses inquiring, from a remote location, a status of an upper-layer communication indicator indicating a point-to-point protocol (PPP) over Ethernet

(PPPoE) communication status, wherein the status is observable by a visual inspection of the upper-layer communication indicator by an end-user (see Applicant's specification, pg. 9, para. 1035, *To trouble-shoot a DSL connection...in prior art systems, higher-level communications are often terminated internally to the transceiver, without indicating to the end-user if the communications were successful or not. In such systems, to determine communication status may require opening a web browser on a connect computer, logging in to the transceiver, and viewing information on communication status, for example, PPPoE authentication, via a graphical user interface (GUI).* These extra steps require end-user involvement and increase troubleshooting costs – **Note** that in other words, the service technician would have to remotely ask for assistance from the end-user in determining communication status of PPPoE (an upper-layer communication) and relay the information to the service technician).

AAPA further discloses entering the status into data storage (see Applicant's specification, pg. 9, para. 1035, *end-user involvement and increase troubleshooting costs*, also see pg. 1, para. 1002). **Note** that the step of entering the status into data storage would coincide with the technical support personnel inputting the communication status relayed to by the end-user into his service terminal/computer in order to determine the next step in the troubleshooting. The inputted status information would reside in temporary and/or permanent data storage of the computer (claim 1 - *data storage*; **claim 16** – *data storage coupled to the remote service terminal*).

AAPA still further discloses performing a first set of actions when the status indicates that a PPP session has been established, the first set of actions including troubleshooting actions (see Applicant's specification, **pg. 9, para. 1035**, to determine communication status may require opening a web browser on a connect computer, logging in to the transceiver, and viewing information on communication status, for example, PPPoE authentication, via a graphical user interface (GUI); **pg. 1, para. 1004**, Even if all protocols are properly configured and communication is occurring, a particular DSL implementation may not function; **pg. 2, para. 1005**, The access provider is often responsible to maintain transceivers and client software. When problems arise, trouble shooting typically involves the access provider sending a technician to a customer premise). **Note** that in other words even if the communication status indicates that the PPP session is established, a particular DSL implementation may not function and a technician may still need to be sent out to the customer premise to perform troubleshooting (claimed the first set of actions including troubleshooting actions)

AAPA still further discloses performing a second set of actions when the status indicates that a PPP session has not been established, the second set of actions including corrective actions (see Applicant's specification, **pg. 9, para. 1035**, to determine communication status may require opening a web browser on a connect computer, logging in to the transceiver, and viewing information on communication status, for example, PPPoE authentication, via a graphical user interface (GUI); **pg. 2, para. 1005**, The access provider is often responsible to maintain transceivers and client software. When problems arise, trouble shooting typically involves the access provider

sending a technician to a customer premise). **Note** that in other words a determination is made whether PPP session has not been established by viewing PPPoE communication status via GUI, which would indicate a problem. And when problems arise, typically a technician is sent to the customer premise, wherein the act of sending the technician is mapped to claimed "second set of actions including corrective actions."

For claim 9 only, AAPA still further discloses a connection port (see Applicant's specification, pg. 1, para. 1003, *DSL line connection*) configured to communicate data signals from a computer positioned at the local location to a remotely located provider device (see Applicant's specification, pg. 1, para. 1004, *that DSL implementation is complex due to multiple protocols used in the transfer of packets between end-user computer and a source or destination site*). **Note** that it is inherent that a computer has the claimed port. **Note further** that to "transfer packets between end-user computer and a source or destination site," the data must travel to or through some type of service provider device as claimed.

For claim 16 only, AAPA still further discloses detecting a digital subscriber line (DSL) related troubleshooting event at a remote service terminal that supports an end-user computer having a DSL connection at a local site (see Applicant's specification, pg. 1, para. 1002, *Determining the cause of technical problems in consumer digital subscriber line (DSL) service has been a challenging obstacle in DSL deployments*; pg. 1, para. 1004, *end-user computer*; pg. 9, para. 1035, *To trouble-shoot a DSL connection...in prior art systems...In such systems, to determine communication status may require opening a web browser on a connect computer, logging in to the*

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transceiver, and viewing information on communication status, for example, PPPoE authentication, via a graphical user interface (GUI). These extra steps require end-user involvement). **Note** that as described above, to trouble-shoot a DSL connection, the end-user must call to relay the DSL problem to the tech support representative at his/her work station (claimed *detecting a digital subscriber line (DSL) related troubleshooting event at a remote service terminal*), wherein the tech support representative receiving the call itself is mapped to claimed *detecting*.

AAPA does not disclose that the upper-layer communication indicator indicating a PPPoE communication status is displayed at a modem.

Armstrong shows at the bottom of fig. 6 the phrase "When the PPPoE light on your Modem is solid green, your connection is established" (claimed *upper-layer communication indicator indicating a PPPoE communication status is displayed at a modem*).

It would have been *prima facie* obvious to one of ordinary skill in the art at the time of the invention was made to modify the PPPoE communication status indication method of AAPA (see applicant's specification at pg. 1, para. 1004, pg. 2, para. 1005, and pg. 9, para. 1035) to display the status indication on a modem as taught by Armstrong (fig. 6, "PPPoE light on your Modem"). One skilled in the art would have been motivated to make the combination to troubleshoot Internet service using an easily viewable light (see Armstrong, Abstract and fig. 6, "PPPoE light on your modem").

Examiner Note: It should be pointed out that the Applicant has argued in the Remarks of 9/3/2010 that AAPA is silent as to indicating a PPPoE communication status. The examiner maintains that the applicant's specification at pg. 9, para. 1035 shows that the AAPA does disclose PPPoE communication status ("*To trouble-shoot a DSL connection...in prior art systems, higher-level communications are often terminated internally to the transceiver, without indicating to the end-user if the communications were successful or not. In such systems, to determine communication status may require opening a web browser on a connect computer, logging in to the transceiver, and **viewing information on communication status, for example, PPPoE authentication, via a graphical user interface (GUI). These extra steps require end-user involvement and increase troubleshooting costs**"). The above excerpt clearly show that the prior art systems do provide a communication status such as PPPoE authentication, that is accessible to the end-user by opening a web browser and logging into the transceiver. However, even if the AAPA does not disclose PPPoE communication status, *in arguendo*, Armstrong does disclose the limitation as detailed above in the rejection (see Armstrong at the bottom of fig. 6, wherein "*When the PPPoE light on your Modem is solid green, your connection is established*" is mapped to claimed upper-layer communication indicator indicating a PPPoE communication status is displayed at a modem). The motivation to combine AAPA with Armstrong would remain the same (i.e., to troubleshoot Internet service using an easily viewable light (see Armstrong, Abstract and fig. 6, "PPPoE light on your modem").*

Regarding claim 2,

AAPA discloses a service technician from the remote location requesting the end-user to provide the status (see Applicant's specification, pg. 9, para. 1035, *To trouble-shoot a DSL connection...in **prior art** systems, higher-level communications are often terminated internally to the transceiver, without indicating to the end-user if the communications were successful or not. In such systems, to determine communication status may require opening a web browser on a connect computer, logging in to the transceiver, and **viewing information on communication status, for example, PPPoE authentication, via a graphical user interface (GUI).** These extra steps require end-user involvement and increase troubleshooting costs – Note that in other words, the service technician would have to remotely ask the end-user in determining status as claimed.*

AAPA does not disclose that the status is of a light emitting diode (LED) on a Digital Subscriber Loop (DSL) modem.

Armstrong shows in fig. 9 a picture of a ADSL modem 106 that has LEDs 916 (paras. 62 and 63).

It would have been *prima facie* obvious to one of ordinary skill in the art at the time of the invention was made to modify the determining of PPPoE communication status as taught by AAPA (see applicant's specification at pg. 1, para. 1004, pg. 2, para. 1005, and pg. 9, para. 1035) to display the status indication on a DSL modem LED as taught by Armstrong (paras. 62 and 63). One skilled in the art would have been

motivated to make the combination to troubleshoot Internet service using an easily viewable LED (see Armstrong, Abstract and fig. 9, LEDs 916).

Regarding claim 6,

AAPA discloses service technician advising the end-user to perform corrective action to a local configuration (see Applicant's specification, pg. 1, para. 1004, *a particular DSL implementation may not function properly due to authentication problems, for example, incorrect user identifiers or passwords*). **Note** that in other words, the above excerpt suggests that the end-user would be reminded by the tech support representative re-enter user identifiers and/or passwords (claimed *service technician advising the end-user to perform corrective action to a local configuration corrective action*)

Regarding claim 7,

AAPA discloses a service technician performing a corrective action at the remote location (see Applicant's specification, pg. 2, para. 1005, *The access provider is often responsible to maintain transceivers and client software. When problems arise, trouble shooting typically involves the access provider sending a technician to a customer premise*). **Note** the phrase "when problems arise, typically a technician is sent to the customer premise," wherein the act of sending the technician is mapped to claimed "service technician performing a corrective action at the remote location."

Regarding claim 8,

AAPA discloses sending a service technician to a location of the end-user to perform a set of troubleshooting actions (see Applicant's specification, pg. 2, para. 1005, *The access provider is often responsible to maintain transceivers and client software. When problems arise, trouble shooting typically involves the access provider sending a technician to a customer premise*). **Note** a technician may need to be sent out to the customer premise to perform troubleshooting, wherein the technician being sent out to perform the troubleshooting at the customer premise is mapped to the claimed "sending a service technician to a location of the end-user to perform a set of troubleshooting actions."

Regarding claim 11,

AAPA does not explicitly disclose that the service provider device is a DSLAM.

Armstrong shows in fig. 2, DSLAM 114B in service provider's access network 110 (para. 35).

It would have been *prima facie* obvious to one of ordinary skill in the art at the time of the invention was made to modify the service provider device that communicate with a local location computer as taught by AAPA (see applicant's specification at pg. 1, paras. 1003-1004) to be a DSLAM as taught by Armstrong (fig. 2, 114B and para. 35). One skilled in the art would have been motivated to make the combination since it is well-known in the art that DSLAM is a service provider device that communicates with end-user DSL modems attached to computers.

3. Claims 12-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant's Admitted Prior Art (AAPA) in view of Armstrong and further in view of Patent No. US 7,092,375 B2 ("Pitsoulakis").

Regarding claims 12-15,

AAPA and Armstrong do not disclose an OSI layer 2 visual indicator indicating the connection status between the computer and the remotely located service provider device (claim 12), such as wide area network status indicator (claim 13) or an OSI layer 1 status indicator (claim 14), such as power indicator (claim 15).

Pitsoulakis shows in fig. 2 power LED 206 (claims 14 and 15) and DSL LED 204 (claims 12 and 13)(col. 4, lines 46-67, *The power LED 204 indicates the application of power to the access device 200.... The DSL LED 206 indicates the DSL connection and the synchronization with asymmetric DSL (ADSL) transceiver unit (ATU). When DSL is connected and is synchronized with ATU-C (ATU central), the DSL LED 206 shows green light*). **Note** that DSL LED 206 is a OSI layer 2 (network layer) mapped to claimed wide area network status indicator.

It would have been *prima facie* obvious to one of ordinary skill in the art at the time of the invention was made to modify the low-level connection status LEDs of AAPA-Armstrong (see Applicant's specification, pg. 2, para. 1005) to be power indicator LED and DSL LED as taught by Pitsoulakis (col. 4, lines 46-67). One skilled in the art would have been motivated to make the combination to troubleshoot Internet service using easily viewable LEDs (see Armstrong, Abstract and fig. 9, LEDs 916).

Response to Arguments

4. Applicant's arguments with respect to claims 1, 2, 6-9, and 11-16 have been considered but are moot in view of the new ground(s) of rejection.

- However, it should be pointed out that the Applicant argues on pg. 1 (second paragraph) of Remarks of 9/3/2010 that AAPA is silent on PPPoE communication status.

- The examiner respectfully disagrees. As previously discussed above in the Examiner Note that appear after the rejection of the independent claims 1, 9, and 16, the examiner maintains that the applicant's specification at pg. 9, para. 1035 shows that the AAPA does disclose PPPoE communication status ("*To trouble-shoot a DSL connection...in prior art systems, higher-level communications are often terminated internally to the transceiver, without indicating to the end-user if the communications were successful or not. In such systems, to determine communication status may require opening a web browser on a connect computer, logging in to the transceiver, and **viewing information on communication status, for example, PPPoE authentication, via a graphical user interface (GUI). These extra steps require end-user involvement and increase troubleshooting costs**"). The above excerpt clearly show that the prior art systems do provide a communication status such as PPPoE authentication, that is accessible to the end-user by opening a web browser and logging into the transceiver even if these "extra steps require end-*

user involvement". Furthermore, even if the AAPA does not disclose PPPoE communication status, *in arguendo*, Armstrong does disclose the limitation as detailed above in the rejection (see Armstrong at the bottom of fig. 6, wherein "When the PPPoE light on your Modem is solid green, your connection is established" is mapped to claimed *upper-layer communication indicator indicating a PPPoE communication status is displayed at a modem*). The motivation to combine AAPA with Armstrong would remain the same (i.e., to troubleshoot Internet service using an easily viewable light (see Armstrong, Abstract and fig. 6, "PPPoE light on your modem").

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ANTHONY SOL whose telephone number is (571)272-5949. The examiner can normally be reached on M-F 7:30am - 4pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jay Patel can be reached on (571) 272-2988. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Anthony Sol/
Examiner, Art Unit 2465
10/26/2010